# MCGIVNEY M&K KLUGER, P.C.

rleff@mklaw.us.com

80 BROAD STREET, 23RD FLOOR
NEW YORK, NEW YORK 10004
(212) 509-3456 – TELEPHONE
(212) 509-4420 – FACSIMILE

RECEIVED
APR 1 1 2013
CHAMBERS OF
ALVIN K. HELLERSTEIN
U.S.D.J.

April 11, 2013

USD
DOC
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/12/13
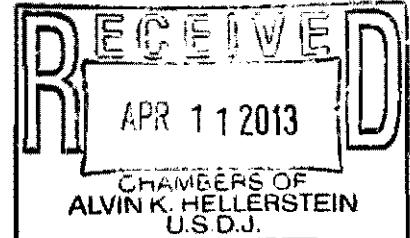
VIA FACSIMILE

Hon. Alvin K. Hellerstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007
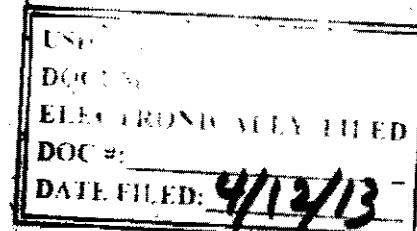
     Re: *In re Lower Manhattan Disaster Site Litigation*
          Docket: 21 MC 102

                    07cv.5283 (AKH)

Dear Judge Hellerstein:

    With this Court's authority, a duly executed subpoena to testify at a deposition in the above referenced civil action was served upon non-party witness Mark Kaminsky, MD at his place of business pursuant to Rule 45 of the Federal Rules of Civil Procedure on March 5, 2013 (Please see accompanying Subpoena and Proof of Service). Dr. Kaminksy was one of Mieczylaw Dabrowski's (a Plaintiff selected as part of Group I discovery) treating physicians. Although in receipt of this subpoena, Dr. Kaminsky has refused to appear for a deposition absent an Order from the Court.

    On behalf of the Defense Liaison Counsel, we respectfully request Your Honor issue an Order directing Dr. Kaminsky to appear for a deposition to be questioned solely on facts observed in his examination(s) of Mieczyslaw Dabrowski (Index Number 07cv05283) and he be entitled to normal witness fees accordingly.

So ordered 4/14/13
Alvin Hellerstein
USDJ

**April 11, 2013**
Page 2 of 2

Thank you for your attention. As always, please contact me with any questions or if you require further information.

Respectfully Submitted,
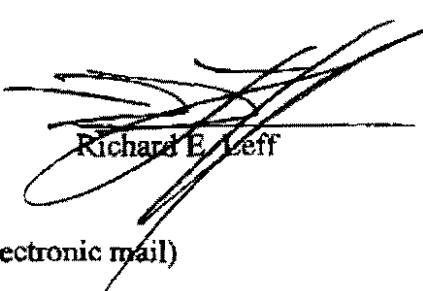
Richard E. Leff

cc: Counsel per attached Email List (via electronic mail)